HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 29400 of 1997

Dated 9th April, 2007

Between

Jakkula Jagadeswar and ors

…Petitioners

and

The Mandal Revenue Officer, Kortla Mandal,
Karimnagar District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 29400 of 1997

ORDER:

This Writ Petition has been filed questioning the action of the respondents in taking steps for demolition of the structures covered by houses and commercial establishments of the petitioners bearing Door Nos. 2-1-10,11, 2-2-86 to 90, 1-1-471, 2-5-71, 72 and 1-1-473 situated in Koratla of Karimnagar District as illegal and arbitrary.

It is the case of the petitioners that they are the owners of the above mentioned properties. It is their grievance that the respondents are taking steps for demolition of the structures for the purpose of road widening without notifying their lands either under the Land Acquisition Act, 1894 or under the provisions of the National Highways Act, 1956.

At the stage of admission, this Court by order dated 6-11-1997 directed the respondents not to demolish the structures of the petitioners without issuing notice.

Though the Writ Petition is of the year 1997, no counter affidavit is filed. There is also no representation on behalf of the respondents.

It is the case of the petitioners that they are the owners of the properties mentioned above and there is no encroachment on the road margin. If such properties are required for any public purpose, it is obligatory on the part of the respondents to notify the said lands either under the Land Acquisition Act, 1894 or under the National Highways Act, 1956. As much as the allegations of the petitioners are not controverted by filing counter affidavit and, further the interim order granted by this Court on 6-11-1997 continued all along, I dispose of the Writ Petition directing the respondents not to demolish the premises of the petitioners stated supra otherwise than by due process of law. However, it is made clear that if there is any encroachment on the road margin, it is open for the respondents to take steps in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 09-04-2007.
Msnr.